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October 26, 2020

BY ECF

Hon. Alison J. Nathan
United States District Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Courtroom 20D
New York, New York 10007-1312

Re: In Re Application of Benjamin Steinmetz for an Order to Take Discovery from Vale S.A., Vale Americas Inc., Rio Tinto plc, and Rio Tinto Limited pursuant to 28 U.S.C. Section 1782, Case No. 20-mc-212-AJN (S.D.N.Y.)

Dear Judge Nathan:

We write on behalf of Applicant Benjamin Steinmetz (“Mr. Steinmetz”) in response to the October 22, 2020 letter filed by counsel for Vale S.A. and Vale Americas Inc. (collectively, “Vale”) regarding an order issued by the High Court of England and Wales (the “High Court”) in the matter of *Vale S.A. v. Steinmetz*, No. CL-2019-000723 (the “UK Proceedings”).

Vale fails to mention that the discovery which the High Court has ordered Vale to produce by November 5, 2020, consists only of documents previously produced by parties in prior litigations, namely Rio Tinto’s RICO Action against Vale, BSGR and Mr. Steinmetz, and Vale’s LCIA Arbitration against BSGR. Incidentally, those are documents which Vale has argued are already available to Mr. Steinmetz. *See* ECF No. 27 at 21–23. The High Court’s deadline for Vale to produce all other discovery—including Vale’s own, not previously produced work product—is not until March 22, 2021, another five months from now.

Consequently, Mr. Steinmetz’s reasons for seeking discovery from Vale urgently through this application under 28 U.S.C. § 1782 remain valid. Further, the fact that the High Court ordered Vale to produce documents from Rio Tinto’s RICO Action confirms the relevance of that action to the UK Proceedings, which underscores the need for Mr. Steinmetz to obtain discovery through his Section 1782 application from Rio Tinto—which is not a party to the UK Proceedings.

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Given the considerable time that has already passed since Mr. Steinmetz filed the instant application in May 2020, Mr. Steinmetz respectfully requests that the Court decide the application at its earliest convenience.

Respectfully submitted,

/s/ Josef M. Klazen

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cc: Counsel for Vale and Counsel for Rio Tinto (via ECF)